



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

(Handwritten initials)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/892,403 07/15/97 MURPHY

B 17634-000510

EXAMINER

BRUMBACK, B

ART UNIT	PAPER NUMBER
----------	--------------

1643

(Handwritten '15')

DATE MAILED:

03/19/99

HM12/0319
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Interview Summary

Application No.
08/892,403

Applicant(s)
Murphy et al.

Examiner
Brenda Brumback

Group Art Unit
1643



All participants (applicant, applicant's representative, PTO personnel):

(1) Brenda Brumback

(3) _____

(2) Jeff King

(4) _____

Date of Interview Mar 17, 1999

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1, 47, 49, 63, and 64

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The supplemental restriction requirement and indication of allowable subject matter in Paper # 13 were discussed. Applicant's representative proposed deleting species iv) from the Markush group listed in claims 1, 63, and 64, which recites a mutation in a 3' promoter that enhances RSV replication. The examiner requested that language also be added to species iii) of the Markush group to specify temperature-sensitive mutations and thus distinguish over other types of mutations taught in the specification (plaque size, host range, etc.) which were not included in the originally elected invention (Group I). Applicant's representative agreed.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Brenda Brumback 3/17/99

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.